Description

Senate File 2307 changes the way the Judicial Branch handles the sealing of juvenile records by requiring the Court, on its own motion, to schedule a hearing two years after the date of the last official action in a juvenile delinquency case, or after the child becomes 18 years of age, whichever is later. If there is no objection from the county attorney, the delinquency records are to be sealed if the juvenile has not committed any subsequent criminal violations greater than a simple misdemeanor and the juvenile has successfully completed any youthful offender placement.

The Bill also accelerates the removal of juvenile records stored within the computer data storage system of the Department of Public Safety (DPS). Unless there is an outstanding arrest warrant or detainer, the DPS is to remove records relating to a juvenile arrest, or the taking of a juvenile into custody, if no disposition data has been recorded within two years. Currently, records are removed after four years.

Background

- In FY 2011, there were 5,800 juvenile delinquency petitions (cases) filed.
- In FY 2011, there were 22,000 "informally" resolved or disposed cases through Juvenile Court Services involving allegations of delinquent acts prior to the filing of an official juvenile delinquency petition by a county attorney.
- The Iowa Court Information System (ICIS) began in 1991 and was phased in throughout the State by 1998.
- Iowa Code section 232.150 states a person that was taken into custody for a juvenile delinquent act and was the subject of a complaint alleging juvenile delinquency, or was the subject of a juvenile delinquency petition, can request that juvenile records be sealed if the Court finds that the person has not committed any subsequent criminal violations greater than a simple misdemeanor, has successfully completed any youthful offender placement, is at least 18 years of age, and two years have lapsed since the last official action in the person's case.
- Current law also allows the Court to schedule a hearing and order the sealing of juvenile records on its own motion.

Assumptions

- The Bill takes effect July 1, 2012.
- If the Bill were applied retroactively, the costs would increase significantly.
- Approximately two-thirds of the cases will be found eligible for expungement because the juveniles committed no subsequent crimes that would disqualify them.
- County attorneys will object to 5.0% of the eligible cases, requiring a hearing. Objections are expected to be sustained in 72.0% of the cases. Depending on whether the Bill applies

to informal as well as formal, the number of cases eligible for expungement after an objection range from 53 to 259.

- The Judicial Branch estimates one-time programming costs of $4,000.
- The DPS will update software queries to pull the necessary criminal history files and will provide those files to the Judicial Branch for review at minimal cost. County Sheriff offices may conduct the criminal history searches for future hearings.
- Court costs will average $53 per case.

Fiscal Impact

The fiscal impact for sealing juvenile records beginning July 1, 2012, is estimated to range between $184,000 (if only formal records are sealed) and $1.0 million annually (if informal records are also included). If the requirement is applied retroactively, the cost could range up to $4.2 million, in addition to the annual costs.

Sources

Judicial Branch
Department of Public Safety

/s/ Holly M. Lyons

March 14, 2012

The fiscal note for this bill was prepared pursuant to **Joint Rule 17** and the correctional and minority impact statements were prepared pursuant to **Iowa Code section 2.56**. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.